



April 6, 2007

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# ENGROSSED

## SENATE BILL No. 190

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DIGEST OF SB 190 (Updated March 26, 2007 4:30 pm - DI 77)

**Citations Affected:** IC 16-18; IC 16-42.

**Synopsis:** Food establishment sanitary requirements exception. Provides exceptions to the term "food establishment" for purposes of food establishment sanitary requirements.

**Effective:** July 1, 2007.

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**Drozda, Riegsecker, Rogers, Merritt,  
Landske, Zakas, Lewis**  
(HOUSE SPONSORS — WELCH, DENBO, BURTON, WALORSKI)

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January 8, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

January 25, 2007, reported favorably — Do Pass.

January 29, 2007, read second time, ordered engrossed. Engrossed.

January 30, 2007, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Public Health.

April 5, 2007, amended, reported — Do Pass.

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ES 190—LS 6843/DI 96+



April 6, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 190

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-137 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 137. (a) "Food  
3 establishment", for purposes of IC 16-42-5 and IC 16-42-5.2, means  
4 any building, room, basement, vehicle of transportation, cellar, or open  
5 or enclosed area occupied or used for handling food.

6 (b) The term does not include the following:

7 (1) A dwelling where food is prepared on the premises by the  
8 occupants, free of charge, for their consumption or for  
9 consumption by their guests.

10 (2) A gathering of individuals at a venue of an organization  
11 that is organized for educational purposes in a nonpublic  
12 educational setting or for religious purposes, if:

13 (A) the individuals separately or jointly provide or  
14 prepare, free of charge, and consume their own food or  
15 that of others attending the gathering; and

16 (B) the gathering is for a purpose of the organization.

17 Gatherings for the purpose of the organization include

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1 funerals, wedding receptions, christenings, bar or bat  
 2 mitzvahs, baptisms, communions, and other events or  
 3 celebrations sponsored by the organization.

4 (3) A vehicle used to transport food solely for distribution to  
 5 the needy, either free of charge or for a nominal donation.

6 (4) A private gathering of individuals who separately or  
 7 jointly provide or prepare and consume their own food or  
 8 that of others attending the gathering, regardless of whether  
 9 the gathering is held on public or private property.

10 (5) Except for food prepared by a for-profit entity, a venue of  
 11 the sale of food prepared for the organization:

12 (A) that is organized for:

13 (i) religious purposes; or

14 (ii) educational purposes in a nonpublic educational  
 15 setting;

16 (B) that is exempt from taxation under Section 501 of the  
 17 Internal Revenue Code; and

18 (C) that offers the food for sale to the final consumer at an  
 19 event held for the benefit of the organization;

20 unless the food is being provided in a restaurant or a cafeteria  
 21 with an extensive menu of prepared foods.

22 (6) A nonprofit organization that:

23 (A) is organized for civic, fraternal, veterans, or charitable  
 24 purposes;

25 (B) is exempt from taxation under Section 501 of the  
 26 Internal Revenue Code; and

27 (C) offers food for sale to the final consumer at an event  
 28 held for the benefit of the organization;

29 if the events conducted by the organization take place for not  
 30 more than fifteen (15) days in a calendar year.

31 SECTION 2. IC 16-42-5-4 IS REPEALED [EFFECTIVE JULY 1,  
 32 2007].

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SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 190.

DROZDA

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 190.

DROZDA

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 190.

DROZDA

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 190 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 190.

DROZDA

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 190.

DROZDA

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Engrossed Senate Bill 190.

DROZDA

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 190 as printed January 26, 2007.)

BROWN C, Chair

Committee Vote: yeas 8, nays 0.

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